

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING	)
PHARMACY, INC., PRODUCTS LIABILITY	)
LITIGATION	)
	) MDL No.: 2419
	) Master Docket No.: 1:13-md-2419-RWZ
	)
THIS DOCUMENT RELATES TO:	)
	)
All Tennessee Actions Against The	)
St. Thomas Entities.	)

**DECLARATION OF MARK P. CHALOS**

I, Mark P. Chalos, declare under penalty of perjury on the date identified below as follows:

1. I am a partner in the law firm of Lieff, Cabraser, Heimann, & Bernstein, LLP and I am a member of the Plaintiffs' Steering Committee in the above-referenced lawsuit (the "MDL"). I also represent the plaintiffs in the following two suits pending in the MDL: *Ziegler v. Ameridose, et al.*, No. 1:13-cv-12565, and *Wray v. Ameridose, et al.*, No. 1:13-cv-12625. I make this declaration in support of the contemporaneously filed Plaintiffs' Steering Committee's Motion for Entry of Case Management Order Setting an Expedited Trial Date (the "Motion").


2. In the *Ziegler* action, plaintiffs will attempt to show the following: Major Adam Ziegler is a 32-year-old active duty Army Logistics Officer in the Special Operations Forces stationed at Fort Campbell Army Post in Clarksburg, Tennessee. He has served in the Army since 2002. On October 7, 2012, after previously submitting to Blanchfield Army Hospital with a complaint of severe back and hip pain, Maj. Ziegler was diagnosed with sacroilitis and abscess at the Vanderbilt University Medical Center. He spent the next 19 days in the hospital and the next

19 months on anti-fungal treatment. He received his injection on September 11, 2012, by Dr. John Culclasure.

3. In the *Wray* action, plaintiffs will attempt to show the following: Jane Wray is a 68-year-old married woman. On October 5, 2012, after several previous trips to a hospital for severe headache, Mrs. Wray was diagnosed with fungal meningitis at the St. Thomas Hospital. Mrs. Wray spent the next 15 days in the hospital where she had three lumbar punctures and she would continue on her anti-fungal treatment for approximately 18 months. Mrs. Wray is still in physical therapy and has frequent loss of balance, lower back pain and hip pain, which radiates down her leg. She received her injections on August 10, 2012, and August 31, 2012, at the Saint Thomas Outpatient Neurosurgical Center.

4. Both plaintiffs in the above-identified lawsuits are prepared to execute *Lexecon* waivers in accordance with *Lexecon, Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1998), and allow a trial to proceed in Boston, Massachusetts, if the Court allows the Motion and sets the case for trial in December of 2015.

Executed on this 5th day of March, 2015, in Nashville, Tennessee.

  
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Mark P. Chalos

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